

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 29, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B112045 People v. Fierro
B129373 People v. Kendrick
B131516 People v. Bryant
B134126 People v. Lopez
B135282 People v. Luke
B135350 People v. Medina
B136032 People v. Ogami
B136314 People v. Terry & Cole
B136321 People v. Gonzales
B137159 People v. Aguilar
B137174 People v. Montez
B137520 People v. Voss
B137897 People v. Horwood
B137922 People v. Collins
B138268 D.C.F.S. v. Stephanie S.
B138305 People v. Keller
B138467 People v. Cuff
B138683 People v. Lara
B139379 D.C.F.S. v. Kathy M.
B139490 People v. Eric V.
B139535 People v. Miller
B141573 Romona A. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B134408 People
 v.
 Jesus L.

Merits:

Argued by Robert J. Waters for appellant and by Elaine T. Tumonis, deputy attorney general, for respondent. Cause submitted.

B134892 First Franklin Financial Corporation
 v.
 Schlain et al.

Merits:

Argued by Michael R. Pfeifer for appellant and by Jay J. Plotkin for respondents. Cause submitted.

Mallano, J. leaves the bench.

B135870 People
 v.
 Flores

Merits:

Argued by Estie R. Stoll for appellant and by David A. Wildman, deputy attorney general, for respondent. Cause submitted.

B141720 Perera et al.
 v.
 Superior Court, Los Angeles County
 (Windsor et al., r.p.i.)

Merits:

Argued by Dale K. Galipo for petitioner and by Douglas G. Carroll for real parties in interest. Cause submitted.

DIVISION ONE (Continued)

B128070 Arora
 v.
 City of Los Angeles et al.

Merits:

Argued by Naresh C. Arora, appellant in propria persona, and by Molly Roff-Sheridan for respondents. Appellant permitted to file letter brief within five days. Respondent shall have 5 days from appellant's letter brief to file a response. Cause submitted.

B140709 State of California et al.
 v.
 Superior Court, Los Angeles County
 (Bolduc et al., r.p.i.)

Merits:

Argued by William F. Soo Hoo for petitioner and by John D. Rowell for real parties in interest. Cause submitted.

B134223 People
 v.
 Figueroa

Merits:

Argued by Gregory L. Richard for appellant and by Tom Hsieh, deputy attorney general, for respondent. Cause submitted.

Court adjourned.

B138268 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Stephanie S.

The order under review is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

August 29, 2000-Continued

DIVISION ONE (Continued)

B138683 People (Not for Publication)
v.
Lara

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B139535 People (Not for Publication)
v.
Miller

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B134126 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions to strike the community service condition of probation and the \$200 parole revocation fine, and to thereafter issue a corrected abstract of judgment.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B136584 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jerome B.

The restraining order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

August 29, 2000-Continued

DIVISION ONE (Continued)

B135350 People v. Medina (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B137159 People (Not for Publication)
v.
Aguilar

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B139379 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Kathy M.

The order under review is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B131516 People (Not for Publication)
v.
Bryant

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION TWO

B136828 People (Not for Publication)
v.
Brown

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Todd, J.

B139069 People (Not for Publication)
v.
Deson W.

The combined adjudication/disposition order is modified to provide that appellant may not be held in physical confinement for a period to exceed six years. In all other respects, the order is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B131080 Raymond Bermudez (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B134081 Melina Khalaj (Not for Publication)
 v.
 City of Burbank et al.

The judgment appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B134604 People (Not for Publication)
 v.
 Willie James Brown, Sr.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

August 29, 2000-Continued

DIVISION TWO (Continued)

B13731 People (Not for Publication)
v.
Francisco Rosales Hernandez

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Todd, J.

109349-00

The HONORABLE ROBERT M. MALLANO, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two, as a Justice thereof, on the following dates:

August 1, 2000 To August 18, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 26, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

August 29, 2000-Continued

DIVISION TWO (Continued)

B134545 People (Not for Publication)
v.
Idlett

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

B133127 Diana Michelson
v.
Mid-Century Insurance Company

Filed order certifying opinion for publication.

DIVISION THREE

B123240 Dickson, Carlson & Campillo et al. (Certified for Publication)
v.
Debra Pole et al.

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. Plaintiffs shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B136711 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Michael S.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B141353 Victor M. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied. The stay is dissolved.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B137824 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Tammy H.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment is modified to award Damage presentence custody credits for 121 days actually served and 60 days good time/worktime, for a total of 181 days. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment to reflect the proper number of presentence credits and to forward a copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B133039 People (Not for Publication)
v.
Galindo

The judgment is modified to reflect a total of 733 days presentence custody credit. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. As modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B140777 People (Not for Publication)
v.
Lowe

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B133545 People (Not for Publication)
v.
Barrera

The convictions are affirmed. The sentence is modified to reflect a term of life plus four years on court 3, and 25 years to life plus four years on count 2. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B133297 People (Not for Publication)
v.
Kidwell

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B121546 People
v.
Perez et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B123109 Thomas M. Lavo (Not for Publication)
 v.
 J.D. Daniel, Inc.

The judgment is reversed except insofar as it declares the parties' rights to certain parking spaces and the driveways, and the cause is remanded to the trial court with directions to enter judgment granting declaratory relief in favor of appellant consistent with the views expressed in this opinion. Appellant shall have costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B127858 L.A. Wilshire Corporation (Not for Publication)
 v.
 Edwin B. Reeser et al.

The judgment is reversed. Costs are awarded to appellant.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B137704 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Donna V.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FOUR (Continued)

B131972 Leslie A. Krukow et al. (Not for Publication)
 v.
 Larry A. Tansey et al.

The summary judgments in favor of respondents are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B127241 People (Not for Publication)
 v.
 Hekima, Williams & Guyton

The judgments are affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B117967 People (Not for Publication)
 v.
 Abeyta

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FIVE

B139015 Los Angeles County, D.C.F.S. (Not for Publication)
v.
German T.

The order terminating parental rights is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

B136624 People
v.
Andre L. Dedmon

Filed order denying petition for rehearing.

B129385 Ruby Morales (Not for Publication)
v.
Bruce Fagel et al.

The judgment is reversed as to Denielle and Robert Morales. Judgment is entered in favor of Fagel and against Denielle and Robert Morales. As to Ruby, the judgment is reversed and remanded with directions for a new trial on the issue of damages. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B138580 Marisol Oliva
v.
Jorge Castilon

Filed order denying petition for rehearing.

August 29, 2000-Continued

DIVISION SIX

B133991 People (Not for Publication)
v.
Nadjmabadi

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B138301 People v. Cotter (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.